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International Business Machines Corporation*

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH**

THE SCO GROUP, INC.,
Plaintiff/Counterclaim-Defendant,

v.

INTERNATIONAL BUSINESS MACHINES
CORPORATION,
Defendant/Counterclaim-Plaintiff.

**REQUEST FOR EXPEDITED BRIEFING
AND HEARING**

Civil No.: 2:03CV-0294 DAK

Honorable Dale A. Kimball

Magistrate Judge Brooke C. Wells

Defendant/Counterclaim-Plaintiff International Business Machines Corporation (“IBM”), through counsel, respectfully submits this request for expedited briefing and hearing on its motion to confine SCO’s claims to, and strike allegations in excess of, its December 22, 2005 Disclosure of Material Allegedly Misused by IBM (the “Final Disclosures”), filed and served concurrently herewith.

On May 19, 2006, three of SCO’s seven experts submitted reports containing material which significantly exceed the scope of SCO’s Final Disclosures. One of the three reports, in fact, effectively seeks to reinvent the case, introducing both new categories of allegedly misused material and a new theory of recovery which relates to them. The remaining two reports add files and other material never before disclosed to IBM, which new disclosures IBM is still in the process of quantifying. SCO’s attempt to expand the scope of this litigation in violation of the Court’s July 1, 2005 Order in this way comes just weeks before IBM must submit its opposing expert reports. Moreover, if the portions of SCO’s expert reports which exceed the scope of the Final Disclosures are not stricken, IBM will have no choice but to request in the alternative substantial modifications to the scheduling order, including the reopening of fact discovery.

Accordingly, IBM respectfully requests that the Court enter an Order establishing an expedited briefing schedule for IBM’s motion to strike portions of SCO’s expert reports, as well as an expedited hearing on the motion, to be set at the Court’s convenience not later than June 30th.

DATED this 8th day of June, 2006.

Snell & Wilmer L.L.P.

/s/ Amy F. Sorenson

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CERTIFICATE OF SERVICE

I hereby certify that on the 8th day of June, 2006, a true and correct copy of the foregoing was electronically filed with the Clerk of the Court and delivered by CM/ECF system to the following:

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